

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID C. KINCAID,

Plaintiff,

v.

5:05-CV-0216

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

DALY & PITTS  
Counsel for Plaintiff  
608 State Tower Building  
109 South Warren Street  
Syracuse, NY 13202

EDWARD I. PITTS, ESQ.

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United States Attorney for the  
Northern District of New York  
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100 South Clinton Street  
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WILLIAM H. PEASE, ESQ.  
Assistant United States Attorney

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 11<sup>th</sup> day of June, 2007. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.

2. The Plaintiff's complaint is *sua sponte* dismissed for failure to prosecute and/or failure to comply with there Court Orders, under Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.2(a) of the Local Rules of Practice for this Court.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: June 28, 2007  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge